

# State of Missouri

## Summary of Comments 10 CSR 20-7.031 Water Quality Standards Regulatory Impact Report

Missouri Department of Natural Resources  
Water Protection and Soil Conservation Division  
Water Protection Program

Comments on RIR for Draft Water Quality Standards Rule: 10 CSR 20 - 7.031

640.015 RSMo	RIR Section	Subject of Comment	MFBF	UAC	SCE	NCR	COC
		General comments or comments on draft rule				6.Draft regulations were not included with RIR 12. Rule on Antidegradation Implementation is unnecessary. 13. Change the use title of Boating and Canoeing to Secondary Recreational Contact	
	1	Does Rule adopt federal rule without variance?		1.RIR should clarify that federal rules adopted by reference do not require a RIR			
1	2	Report of peer reviewed data used to commence the rulemaking		2.Peer-reviewed data does appear to be presented for all proposed rules, e.g, catastrophic event 30. Raw data and associated anylsis should be included in the RIR	1.Little justification on proposed changes		1.The rules must be based on sound, transparent and peer-reviewed science
2	3	Persons most likely impacted	1.Potential number of impacted persons and the costs have been underestimated in RIR	3. Mention of rule proponents should be stricken and replaced with more comprehensive list of persons affected			

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3	4	Environmental and economic costs		<p><b>4.</b>The environmental benefits section does not quantify the benefits <b>5.</b> Some information is not relative, is subjective, and not supported by quantitative information <b>6.</b>The economic costs section does not include sufficient detail <b>7.</b> The RIR should list all individual POTWs and related information <b>8.</b> Unclear what flows were used in determining disinfection costs <b>9.</b> Costs for WBCR compliance should include wet waether discharges <b>10.</b> Costs for conducting UAAs should be included for all affected facilities <b>11.</b> Costs for changing use of bacterial indictor species should be included <b>12.</b>Costs for eliminating mixing zone not included <b>13.</b> Costs for upgrades to meet new metals and toxics limits are not included <b>14.</b> Costs to other small businesses should be included</p>	<p><b>5.</b> No economic analysis of eliminating mixing zones</p>		
4	5	Probable costs to the agency	<p><b>4.</b>Private entities have received monies to conduct UAAs <b>5.</b> Costs associated with possible 303(d) listings will affect private entities as well</p>	<p><b>15.</b>Need costs for developing TMDLs <b>16.</b>Need costs for recalculating effluent limits <b>17.</b>Need costs for antidegradation policy implementation.</p>			
5	6	Comparison of costs and benefits of rule to inaction	<p><b>2.</b>Comparison inadequate in RIR <b>3.</b>Comments are more than just "administrative"</p>	<p><b>18.</b>Phrase about the "price of good health" should be stricken <b>19.</b>Clarify the result of no action <b>20.</b>Clarify risks of waterborne diseases.</p>			

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6	7	Less costly and less intrusive alternatives			2.Alternatives shift burden to regulated community to determine disinfection need	1.No evidence or alternatives to the deletion of mixing zones 2. No distinction between ditches and low-flow streams 3.and 7.Other alternatives exist for addressing the use of mixing zones 8. RIR should consider MZ alternatives of 125% of stream flow and one foot above normal high water mark.	2.Reliable cost-benefit analyses of several alternatives should be used in identifying the least costly, most cost-effective, or least burdensome alternatives 3. The RIR does not identify any tangible benefits to justify the enormous costs of the WBCR designation.
7	8	Alternative methods for achieving rule	6. Should mention draft MOU with Dept. of Agriculture	21.In the case of CSOs, the RIR does not defer to the use of federal guidance.	3.High flow exemption depends on inappropriate storm event	4.Rule proposes overly protective requirements and severe economic burden 11.RIR should mention DO criteria alternative of 3.0 mg/l for unclassified streams	4.The RIR does not identify and consider a reasonable number of regulatory alternatives 5.The statute does not authorize the department to shift their responsibility of identifying alternative to the public 6.The RIR should identify a reasonable number of alternatives, including the alternative of not regulating.
8	9	Short-term and long-term consequences		22.Need information about expected consequences, including increases in sewer rates 23.State the number of significant industrial users to be impacted			
9	10	Risks to human health, public welfare and environment addressed by rule		24.No explanation or quantitative information			

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10	11	Sources of scientific information used in assessing risks					7.The RIR does not clearly identify EPA references used, particularly where it directs reader to EPA administrative record
11	12	Description and impact statement of any uncertainties and assumptions in making risk assessment					
12	13	Countervailing risks of the rule		25.RIR does not consider countervailing risks for CSOs or stormwater 26.Need potential risks from chlorine use and dechlorination byproducts		9.RIR should consider risk of chlorination	
13	14	Alternative regulatory approaches		27.A number of alternative approaches were not included		10. RIR should consider other regulatory approaches	
	Appendix A	Technical Documents and Data Used		31.The stakeholder meeting minutes not reviewed by participants			